

**JUDGE MICHAEL'S POLICY REGARDING
APPLICATIONS FOR BANKRUPTCY RULE 2004 EXAMINATIONS**

The local rule in this district regarding rule 2004 examinations provides as follows:

2004. Examination

- (a) A motion for an examination under Bankruptcy Rule 2004 may be ruled upon ex parte. See also Local Rule 5005(c).
- (b) An examination under Bankruptcy Rule 2004 may be taken by agreement without a motion or order.
- (c) Before filing a motion for the examination of a debtor or a representative of a debtor, the party seeking to take the examination shall make a good faith effort to confer with the debtor, or debtor's counsel if debtor is represented, to arrange for an agreeable date, time and place for the examination, and the motion shall recite compliance with this rule.

LR 2004 (emphasis added). Judge Michael requires strict compliance with Local Rule 2004(c). If there is no statement contained in the application that Local Rule 2004(c) has been complied with, the application for examination will be summarily denied.

In addition, the Court receives many requests for orders compelling the production of documents as part of a Rule 2004 examination. The rules provide that “the production of documentary evidence may be compelled in the manner provided for in [Bankruptcy] Rule 9016 for the attendance of witnesses at a hearing or trial.” Bankruptcy Rule 2004(c)(West 2002). Bankruptcy Rule 9016 contemplates the issuance of a subpoena containing certain information, including provisions designed to advise the party subject to the subpoena of his or her rights with respect to the same. Judge Michael will require counsel to follow this procedure and issue a subpoena for the production of any documents. Judge Michael will not sign orders for Rule 2004 examinations compelling the production of documents.